

Washington Public Hearing
December 15, 2008

Del Holland: Well my comment is that I'm a layperson and somewhat educated about this and when I read through this I thought this seems like a positive step, I like the direction that we're going here, and then when I looked at the Tier 2 discussion a component kind of stuck out to me is that there seems to be a large emphasis given to kind of the negatives of the costs of treatment and no balance to that at the benefit of that treatment. And I guess I think that's an arrow to see looked at, that we need some way to say that by not doing this degradation here's the benefit that we're going to get, I mean it's easy to put together the negatives of it but I think we need to balance that, because that's the important reason we're doing it.

Mike Carberry: I'm with the Iowa State Chapter of the Sierra Club. The Sierra Club Iowa Chapter supports requiring an alternatives analysis be completed at anytime there is an increase discharge due to the expansion of the a facility or a new pollutant is added or major upgrade is needed for any other reason. Sierra Club also supports requiring facilities to justify an increase and then choose the least polluting alternatives that can be afforded. Sierra Club also supports requiring the consideration of the economic benefits of maintaining water quality in the river, stream or lake, not just the cost of additional treatment. Sierra Club also supports requiring Iowa's high quality rivers, streams and lakes be designated as an Outstanding Iowa Water whether or not they receive a discharge. Thank you.

Steve Veysey: My name is Steve Veysey, I live in Ames, Iowa and I'll be commenting at a couple of these hearings probably. I wanted to raise a few points real quickly. First this concept of water quality and where it comes from and in terms of degradation and we have this...in the environmental communities and it dates back to the Magna Carta in 1215, that's where it all started. It does, and I went back and I read Magna Carta and guess what it was about moving fishing weirs from the Thames River so navigation could happen, but the point was it was the first time the King had ever had any restrictions put on what he couldn't do. So English common law developed from 1215 over the next eight hundred years and that's what all of our bodies of law is based on, and that includes this concept of a commons. Things that belong to everybody that they don't belong to any one group, person or entity, they're not theirs to degrade, destroy, sell or give away. So Farm Bureau doesn't own water quality, it's not theirs to degrade, the League of Cities, the Rural Water Association, they don't own water quality, it's not theirs to give away, it's not theirs to degrade. It belongs to us, it's ours, so this is really important stuff, this idea that finally we would base our permitting program on this idea that you don't just get to discharge because you think you have a need to discharge or it economically beneficial for you to discharge into a river or lake or stream. It has to be beneficial to everybody to society, and you have to choose the least degrading alternative that is affordable. This is huge, we've never done this before, we've always just given away the fullest simulative capacity of the receiving water without a thought. So I applaud the Department for taking this approach. Having said that there are a number of things, a lot of details that I take issue with and I will address most of those in written comments, but I wanted to get up and stand before you folks and let you at least hear one of the people who is pretty outspoken about the value of water quality standards and the responsibility we have for our kids and our grandkids to make sure that we don't use anymore of that water quality than we actually have to. And the goal of the Clean Water Act is in fact to

reduce our discharges and I would take exception to Adam's statement that Antidegradation was not part of the Clean Water Act, in fact the language when the Clean Water Act was reaffirmed in Congress and I believe it was 1987 or 1989 they specifically and explicitly affirm the antidegradation language, I mean Congress in the late 1980's. So it is something, it's not something that we as a state can avoid doing, it is not something that you know well maybe we should, maybe we shouldn't. No. The decision was made by the federal government that water quality is important and we need to protect and preserve it. A couple of other quick points that I hopefully can get to...I'm going to skip over most of these later...they are nitpicky things that I will address in written comments, but I want to come back to this idea between the linkage to point-source and non-point source that this does for us. There's one other place where there's control over non-point, that's through the TMDL program, the 303D Impaired Water's list, 319 funds, that's an area where the Clean Water Act does provide states the resources and the obligations and the tools to address impairments from non-point sources. Now I will go on record again as saying that in this state that we have no implemented the TMDL program properly as it pertains to non-point source. We're not using it as a tool, there's no real sufficiency analysis in these TMDL's to prove or to state or affirm that the TMDL will improve water quality. But the other area we've got is Tier 2 antidegradation. This is a tool we have and it bothers me that the Department is trying to minimize this because they're afraid of Farm Bureau and commodity groups. We have a chance here to look in the watershed at non-point sources of pollution and address them and it says shall assure that all non-point sources in the watershed are implemented and mitigated before allowing a Tier 2 request for increase pollution from a point source. And the department says well we don't have a regulatory part for non-point. Well tell that to all the hog operators with CAFO's that are at all these regulations about manure management plans and citing issues and spreading distances from waters of the state to our Animal Feeding Operation rules. Tell that to all the people with septic systems that discharge that are told well you've gotta have a joint-NPDES permit, tell that to all the farmers who receive commodity payments which are tied to conservation practices. They have to implement conservation whether they are above five-ninety conservation practices. They have to be implemented if they're farming highly erodible land, and if they are receiving federal farm subsidies. These are all regulator programs for non-point sources of pollution and my position is if in a watershed a point-source wants an increase to a Tier 2 analysis, in addition to everything else, the Department has an obligation to make sure that all these non-point sources are addressed. Going back to the issues of farm payments and conservation plans, in this state and sadly nationally, we inspect or review less than 5% a year of the conservation practices that farmers are required to have and implement as they receive crop subsidies. Less than 5%. I would assert that in a watershed requesting a Tier 2 increase in pollution 100% of those plants need to be reviewed, I would assert that in a watershed where a point-source wants to increase discharges, every septic system, someone needs to look at the records and make sure that all the septic systems and all the unsewered communities have been addressed in that watershed. So there's a huge opportunity here to address non-point and a huge obligation on the part of the Department. And that's all I'll say today, I will say that we are very pleased with the list of Tier 2.5 waters and at a future public hearing I will be offering testimony in support of the list of Tier 2.5 list of waters. Thanks for taking the time to listen to me. Thank you.

Todd Scott: I'm with a river products company, I just thought it would be important why quarries kept getting mentioned and I appreciate Adam and all Adam's work and all Lori

McDaniel's and Chuck Correll's of meeting with the limestone producer's association so that we could work out some of these issues. One of our big concerns is controlling non-point sources, we down here in southeast Iowa, we probably don't have the issues of discharging into cold stream trout streams like northeast Iowa, but all of our quarries and masons here are at or below a stream level and so we get stormwater runoff and we get groundwater infiltration that goes in the ground hits the bedrock and outlets in our quarry. So we're a basin for other people's pollutants. And by having a proposal that talks about mass loading it causes great concern for us because we're getting somebody else's nitrates and if we're forbidden from discharging one molecule of nitrate even though we're doing it with a million gallons of water, that will help the stream the way the rule's written we'd be forbidden from doing that. And if we can't discharge, we can't get to our water. You know the basin fills up with water, I'm sorry we can get to our rock, and we can't do our process. So I would urge the department to look at maybe not at the minimum maybe not the language of Missouri, but maybe some kind of exception where there's a net improvement to water and to the stream. I do know that some quarries again, we have to, I think Mr. Shieldbert brought this up to you about how if you shut off all quarry on one side of the road and you move it to the other side you no longer have this discharge point but you're discharge point is now over here and that has been viewed as a new permit as opposed to a modification. I think we'd ask the Department to look at that there's not really a new source there, that we're just trading discharge points. And our final concern is that we still don't know what General Permit 5, that's our general NPDES discharge permit in the quarry that expired last year we don't know what the parameters are so I guess if we knew what that was now, it would be a lot easier to go through this antidegradation process. But not knowing what some of the parameters are it makes us nervous on how this rule will be implemented.